



## DEPARTMENT OF ENERGY

[Docket No. 21-98-LNG]

### **Freeport LNG Expansion, L.P.; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; and FLNG Liquefaction 3, LLC; Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations**

**AGENCY:** Office of Fossil Energy and Carbon Management, Department of Energy.

**ACTION:** Notice of application.

**SUMMARY:** The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice (Notice) of receipt of an Application (Application), filed on September 10, 2021, by Freeport LNG Expansion, L.P.; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; and FLNG Liquefaction 3, LLC (collectively, FLEX). FLEX requests authority to engage in additional long-term, multi-contract exports of domestically produced liquefied natural gas (LNG) in a volume equivalent to 88 billion cubic feet per year (Bcf/yr) of natural gas from the Freeport LNG Liquefaction Project (the Liquefaction Project) at the Freeport LNG Terminal on Quintana Island near Freeport, Texas, to non-free trade agreement countries. FLEX filed the Application under the Natural Gas Act (NGA).

**DATES:** Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed electronically as detailed in the **Public Comment Procedures** section no later than 4:30 p.m., Eastern time, [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

#### **ADDRESSES:**

**Electronic Filing by email:**  
[fergas@hq.doe.gov](mailto:fergas@hq.doe.gov)

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, DOE has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid-

19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Office of Resource Sustainability staff at (202) 586-2627 or (202) 586-4749 to discuss the need for alternative arrangements. Once the Covid-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

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<sup>1</sup> The Office of Fossil Energy changed its name to the Office of Fossil Energy and Carbon Management on July 4, 2021.

Currently, in Docket Nos. 10-161-LNG,<sup>2</sup> 11-161-LNG,<sup>3</sup> and 16-108-LNG,<sup>4</sup> FLEX is authorized to export domestically produced LNG from the Liquefaction Project in a total combined volume equivalent to 782 Bcf/yr of natural gas to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries), through December 31, 2050, pursuant to NGA section 3(a), 15 U.S.C. 717b(a).<sup>5</sup> In this Application filed in Docket No. 21-98-LNG, FLEX requests long-term, multi-contract authorization to export LNG in an additional volume of 88 Bcf/yr from the Liquefaction Project. FLEX states that this Application, if granted, would increase its non-FTA exports from the Liquefaction Project from a total of 782 Bcf/yr to 870 Bcf/yr of natural gas.

FLEX further states that, on June 29, 2021, it filed an application at FERC (FERC Docket No. CP21-470-000) requesting authorization to increase the Liquefaction Project's authorized maximum LNG production capacity from 782 Bcf/yr to approximately 870 Bcf/yr. FLEX states the instant Application seeks to align FLEX's export authority to non-FTA countries with the liquefaction production capacity requested in its pending FERC application.

FLEX seeks to export this LNG on its own behalf and as agent for other entities who hold title to the LNG at the time of export. Additional details can be found in FLEX's Application, posted on the DOE website at: [www.energy.gov/sites/default/files/2021-09/21-98-LNG.pdf](http://www.energy.gov/sites/default/files/2021-09/21-98-LNG.pdf).

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<sup>2</sup> *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3282-C, Docket No. 10-161-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Nov. 14, 2014), *amended by* DOE/FE Order No. 3282-D (Oct. 21, 2020) (extending export term).

<sup>3</sup> *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3357-B, Docket No. 11-161-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Nov. 14, 2014), *reh'g denied* DOE/FE Order No. 3357-C (Dec. 4, 2015), *amended by* DOE/FE Order No. 3357-D (Oct. 21, 2020) (extending export term).

<sup>4</sup> *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3957, Docket No. 16-108-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Dec. 19, 2016), *amended by* DOE/FE Order No. 3957-A (Oct. 21, 2020) (extending export term).

<sup>5</sup> FLEX notes that, in Docket Nos. 10-160-LNG and 12-06-LNG, it is authorized to export LNG from the Liquefaction Project to FTA countries in a volume equivalent to 1,022 Bcf/yr of natural gas. FLEX's FTA exports are not at issue here.

## DOE Evaluation

In reviewing FLEX's Application, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the study entitled, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (2018 LNG Export Study),<sup>6</sup> and DOE's response to public comments received on that Study.<sup>7</sup>

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States*, 79 FR 48132 (Aug. 15, 2014);<sup>8</sup>
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States*, 79 FR 32260 (June 4, 2014);<sup>9</sup> and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update*, 84 FR 49278 (Sept. 19, 2019), and DOE's response to public comments received on that study.<sup>10</sup>

Parties that may oppose this Application should address these issues and documents in their comments and protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

## Public Comment Procedures

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<sup>6</sup> See NERA Economic Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (June 7, 2018), available at: [www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf](https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf).

<sup>7</sup> U.S. Dep't of Energy, *Study on Macroeconomic Outcomes of LNG Exports: Response to Comments Received on Study*; Notice of Response to Comments, 83 FR 67251 (Dec. 28, 2018).

<sup>8</sup> The Addendum and related documents are available at: <https://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states>.

<sup>9</sup> The 2014 Life Cycle Greenhouse Gas Report is available at: <https://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states>.

<sup>10</sup> U.S. Dep't of Energy, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update – Response to Comments*, 85 FR 72 (Jan. 2, 2020). The 2019 Update and related documents are available at: <https://fossil.energy.gov/app/docketindex/docket/index/21>.

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

As noted, DOE is only accepting electronic submissions at this time. Please email the filing to [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov). All filings must include a reference to “Docket No. 21-98-LNG” or “Freeport LNG Expansion, L.P. *et al.* Application” in the title line.

**PLEASE NOTE:** Please include all related documents and attachments (*e.g.*, exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

The Application and any filed protests, motions to intervene, notices of interventions, and comments will also be available electronically by going to the following DOE Web address: <https://www.energy.gov/fecm/division-natural-gas-regulation>.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties’ written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional

procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, D.C., on October 5, 2021.

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Amy Sweeney,  
Director, Office of Regulation, Analysis, and Engagement,  
Office of Resource Sustainability.

[FR Doc. 2021-22018 Filed: 10/7/2021 8:45 am; Publication Date: 10/8/2021]